

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

CORNING GILBERT, INC.,

Plaintiff-Appellee,

v.

UNITED STATES,

Defendant-Appellant.

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Appeal No. 2013-1299

ORDER

Upon reading defendant-appellant's consent motion to dismiss this appeal, upon consideration of other papers and proceedings herein, and upon due deliberation, it is hereby

ORDERED that defendant-appellant's consent motion be, and hereby is, granted; and it is further

ORDERED that Appeal No. 2013-1299 is dismissed.

FOR THE COURT:

Dated: Washington, D.C.

This day of , 2013

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Appeal No. 2013-1299

CONSENT MOTION TO DISMISS APPEAL

Pursuant to Rule 27(f) of the Rules of the United States Court of Appeals for the Federal Circuit and Rule 42(b) of the Federal Rules of Appellate Procedure, defendant-appellant respectfully moves this Court to dismiss Appeal No. 2013-1299. On May 14, 2013, Joseph P. Lavelle of the law firm DLA Piper LLP, counsel for plaintiff-appellee, advised that plaintiff-appellee consents to this motion. Both parties have agreed and consented to bear their own costs and fees with respect to this appeal.

Consent Motion to Dismiss Appeal No. 2013-1299

WHEREFORE, defendant-appellant respectfully requests that its consent motion to dismiss Appeal No. 2013-1299 be granted.

Respectfully submitted,

STUART F. DELERY
Acting Assistant Attorney General

JEANNE E. DAVIDSON
Director

/s/ Barbara S. Williams
BY: BARBARA S. WILLIAMS
Attorney in Charge
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/s/ Marcella Powell
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Dated: May 15, 2013

CERTIFICATE OF SERVICE

I hereby certify that, on this 15th day of May 2013, a copy of the foregoing Consent Motion to Dismiss Appeal in Appeal No. 2013-1299 was filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Marcella Powell
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